

Title 299 - NEBRASKA REAL ESTATE COMMISSION

Chapter 7 - CONTINUING EDUCATION ACTIVITIES; REQUIRED HOURS; APPROVAL; RESTRICTIONS; DENIAL; REVOCATION; APPEAL PROCESS; RECORD KEEPING.

001 Of the twelve hours of continuing education required in Section 81-885.51 of the Nebraska Real Estate License Act, three hours in each two-year period shall be taken in continuing education activities which are derived from material covering ethical decision-making or federal or state laws, rules, or regulations dealing with or pertaining to real estate or real estate transactions, and which are approved and designated by the Commission as meeting this three-hour requirement.

001.01 Continuing education activities approved under this Section are not subject to the duplication provision as set forth in Section 003.07 of this Chapter, except that continuing education activities approved under this Section and which are of the same content, or if in the opinion of the Commission so similar as to be indistinguishable in content, cannot be duplicated within the same two-year continuing education period.

002 Qualifications for approval of continuing education activities shall be as stated herein.

002.01 A continuing education activity offered in the State of Nebraska shall be qualified for approval if the Real Estate Commission determines that:

002.01A The continuing education activity contributes to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public; and

002.01B An in-class continuing education activity must consist of at least three in-class clock hours but no more than eight in-class clock hours in any one day of instruction. In the case of a continuing education activity delivered in a distance education format there must be at least the content equivalent of three in-class clock hours, and certification pursuant to 299 NAC 7-002.02. An in-class clock hour is defined as 60 minutes in length; and

002.01C The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the continuing education activity; and

002.01D All instructors have met the qualification standards as established by the Real Estate Commission; and

002.01E The provider has met the provisions of all other applicable state laws.

002.02 Continuing education activities offered in a distance education format must be certified by the Association of Real Estate License Law Officials. A student must complete the distance education activity

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within one year of the date of enrollment. Distance education as it is used in this chapter shall mean courses in which instruction does not

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take place in a traditional classroom setting but rather through other media where instructor and student are separated by distance and sometimes by time.

002.03 Courses taken by salesperson licensees toward meeting the broker pre-license requirements, with the exception of Real Estate Principles and Practices or its equivalent courses, may be used toward meeting the continuing education requirement and also as meeting the pre-license broker requirement.

002.04 In addition to continuing education activities directly approved by the Real Estate Commission, the Commission shall accept:

002.04A Continuing education activities approved to meet the continuing education requirements for renewal of a salesperson or broker license in another real estate jurisdiction and taken outside the State of Nebraska.

002.04B Instruction by instructors of approved continuing education activities toward meeting the continuing education requirement. The same restrictions of usage as set forth in Title 299, Chapter 7, Section 003 will apply.

002.04C The Commission shall have no obligation to accept a continuing education activity otherwise considered acceptable under this subsection if the activity has been identified by the Commission as unacceptable according to Nebraska continuing education criteria.

002.05 Licensees may use appraisal continuing education approved by the Nebraska Real Estate Appraiser Board toward their salesperson or broker continuing education requirement, when taken during the applicable two-year period for their salesperson or broker license.

003 The following activities cannot be used toward meeting the continuing education requirement:

003.01 Those which are specifically examination preparation in nature.

003.02 Those which deal with office or business skills, such as typing, speed reading, memory improvement, body language, motivation and similar activities.

003.03 Those which are completed by a challenge examination (testing-out of the activity).

003.04 Sales promotion or sales meetings held in conjunction with a brokerage firm's general business.

003.05 Orientation courses for licensees held by trade organizations.

003.06 Continuing education activities taken prior to approval date of the continuing education activity.

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003.07 Continuing education activities of the same content, or if in the opinion of the Commission an activity is so similar as to be indistinguishable in content, cannot be used for a minimum of four years after the activity was taken to be applied toward meeting the continuing education requirement, except that activities meeting the required hours set forth in Section 001 of this Chapter may be repeated but not in the same two-year continuing education period.

003.08 Broker licensees cannot retake courses taken as part of their pre-license requirement and use them toward meeting their continuing education requirement except as provided in Title 299, Chapter 7, Section 003.07.

003.09 Continuing education activities taken to make up a deficiency of the continuing education requirement from a previous continuing education period may not be used toward the current period's continuing education requirement.

004 The Commission shall notify applicants in a timely manner, in writing, whether an application is approved or denied. If an application is denied, the denial notice shall state the reason(s) for denial. This section applies to initial submittals of applications for approval of providers, activities, and instructors of Nebraska real estate continuing education; resubmittals of activities for reapproval every three years; and resubmittals of activities due to significant changes in the activities.

005 Approved continuing education activities shall be resubmitted by the provider for approval and reviewed every three years by the Commission unless substantial changes are made in the activity prior to that time. If substantial changes are made, the activity shall be submitted by the provider for review and approval, and may not be offered prior to receiving notice that the altered activity has been approved.

006 Decisions of the Real Estate Commission to deny approval of continuing education providers, activities, or instructors may be reviewed by the Commission when such review is requested within twenty days of notification of said decision. The Real Estate Commission may at any time re-evaluate an approved provider, activity, or instructor. If a basis for consideration of revocation of approval is found, the Commission shall notify said provider by mail at least twenty business days prior to said hearing on the revocation.

007 Providers of approved continuing education activities shall be governed by the provisions of this Section in addition to any other applicable statutes or rules and regulations.

007.01 The provider shall submit to the Commission a notice of the scheduling of an approved activity prior to offering the activity. The notice shall be submitted in a form prescribed by the Commission. This subsection shall not apply to distance education activities offered in

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an independent study format.

007.02 Successful completion of an approved continuing education

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activity requires full-time attendance at the activity.

007.03 A completion certificate, not larger than 8 ½ by 11, must be issued to each student upon completion of the activity and shall include such information required by the Commission.

007.04 In the case of students using a pre-license broker course toward both pre-license and continuing education as set forth in Title 299, Chapter 7, Section 002.03, upon request by the student a separate continuing education completion certificate will be issued by the provider upon completion of the course in addition to the pre-license proof of completion.

007.05 Records shall be maintained by each provider on each individual student for four years. Said records to include: name and real estate license identification number of the student, residence or business address of the student, the title and activity content number of the activity completed in full, the number of continuing education hours granted the activity and the date the student completed the activity.

007.06 An alphabetical listing of the names and addresses of attendees at an approved continuing education activity who have met the requirements of completion as established by the Commission pursuant to Section 81-885.52 of the Nebraska Real Estate License Act shall be submitted to the Commission within ten business days of the conclusion of the activity.

007.07 By January 31st of each year all approved providers shall submit to the Commission a chronological list to include the title and content number, number of continuing education hours granted, date, location, instructor and number of attendees for each continuing education activity conducted during the preceding year.

008 Nothing in this Chapter shall be construed to preclude educational offerings sponsored, or conducted, by the Real Estate Commission from being accepted toward meeting the continuing education requirement of the Nebraska Real Estate License Act.

Laws 1985, LB 101, §10; RS 1943, §81-885.54, R.S. Supp., 1985.
Effective date March 7, 1985.